

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

TWD - STs & Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 & Rules, 2007 - Implementation - Operational guidelines - Issued

SOCIAL WELFARE (LTR.1) DEPARTMENT

G.O.Ms.No.102

Dated. 06 -06-2008

Read the following:

1. The Scheduled Tribes & Other Traditional Forest Dwellers(Recognition of Forest Rights) Act, 2006
2. The Scheduled Tribes & Other Traditional Forest Dwellers(Recognition of Forest Rights) Rules, 2007

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The Parliament of India enacted the historic Act by name "The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (Act 2/2007) that came into force on 31/12/2007 and the Rules there under which came w.e.f. 01/01/2008. It is recognized that the forest rights on ancestral lands and their habitat were not adequately recognized in the state forests during colonial period as well as independent India resulting in historic injustice to the forest dwelling scheduled tribes and other traditional forest dwellers who are integral to very survival and sustainability of the forest ecosystem. The ROFR Act aims at recognizing and recording the rights of those forest dwelling scheduled tribes and Other Traditional Forest Dwellers, who are residing in and depending up on the forests for their bonafide livelihood needs, for generations without any security and without any recorded rights. The Act is being implemented by involving the Panchayat Raj Institutions, right from the village level to the District Level in a truly democratic way.

2. Main Objectives of the Act are to recognize and vest the forest rights and occupation in forest land in forest dwelling Scheduled Tribes and Other Traditional Forest Dwellers who have been residing in such forests for generations but whose rights could not be recorded and to provide for a framework for recording the forest rights so vested and nature of evidence required for such recognition and vesting in respect of forest land. In order to implement the said Act and Rules in this state, the following operational guidelines are issued.

3. The persons who are eligible for forest rights under the act are

- (i) The forest dwelling Scheduled Tribes in the states where they are declared as Scheduled Tribes; and
 - a. The recognition and vesting of forest rights under the Act to the forest dwelling Scheduled Tribes and to other traditional forest dwellers in respect of forest land and their habitat shall be subject to the condition that such Scheduled Tribes or tribal communities had occupied forest land before the 13th day of December, 2005 and other traditional forest dwellers had occupied forest land for three generations (75 years) before the 13th day of December, 2005.
 - b. Care should be taken that the Act and Rules benefit the deserving Scheduled Tribes/ Other Traditional Forest Dwellers as provided in the Act & Rules.
 - c. The Act and Rules, mention Forest Dwelling Scheduled Tribes. It necessarily means those Scheduled Tribes and Other Traditional Forest Dwellers who have been residing in such Forests for generations as mentioned in the preamble to the act.
 - d. This aspect should be explained to the staff for determination of the Rights.

(ii) Other Traditional Forest Dwellers

a. This is clearly defined in Section 2 (0) of the Act.

Section 2 (o) - "**Other traditional forest dweller**" means any member or community who has for atleast three generations prior to the 13th day of December, 2005 primarily resided in and who depend on the forests land for bonafide livelihood needs.

Explanation - for the purpose of this clause, 'generation' means a period comprising twenty five years.

b. This has to be verified carefully with reference to the (9) evidences listed in Rule 13 (1) of the Rules.

4. FOREST RIGHTS RECOGNIZED BY THE ACT

The Act recognizes, with effect from 31.12.07, the following forest rights of forest dwelling Scheduled Tribes and other traditional forest dwellers, which secure individual or community tenure or both;

- (i) Right to hold and live in the forest land under the individual or common occupation for habitation or for self - cultivation for livelihood by a member or members of a forest dwelling scheduled tribe or other traditional forest dwellers;
- (ii) Community rights such as nistar, by whatever name called, including those used in erstwhile princely states, zamindari or such intermediary regimes;
- (iii) Right of ownership, access to collect, use and dispose of minor forest produce which has been traditionally collected within or outside village boundaries;
- (iv) Other community rights of uses or entitlements such as fish and other products of water bodies, grazing (both settled or transhumant) and traditional seasonal resources access of nomadic or pastoralist communities;
- (v) Rights including community tenures of habitat and habitation for primitive tribal groups and pre-agricultural communities;
- (vi) Rights for conversion of pattas or leases or grants issued by any local authority or any State Government on forest lands to titles;
- (vii) Rights of settlement and conversion of all forest villages, old habitation, unsurveyed villages and other villages in forests, whether recorded, notified or not into revenue villages;
- (viii) Right to protect, regenerate or conserve or manage any community forest resources which they have been traditionally protecting and conserving for sustainable use;
- (ix) Rights which are recognized under any state law or laws of any Autonomous District Council or Autonomous Regional Council or which are accepted as rights of tribals under any traditional or customary law of the concerned tribe of any state;
- (x) Right of access to biodiversity and community right to intellectual property and traditional knowledge related to biodiversity and cultural diversity;
- (xi) Any other traditional right customarily enjoyed by the forest dwelling Scheduled Tribes or other traditional forest dwellers, as the case may be, but excluding the traditional right of hunting or trapping or extracting a part of the body of any species of wild animal;
- (xii) Right to in situ rehabilitation including alternative land in cases where the Scheduled Tribes and other traditional forest dwellers have been illegally evicted or displaced from forest land of any description without receiving their legal entitlement or rehabilitation prior to the 13th day of December, 2005.

5. THE BENEFITS THAT WILL ACCRUE FROM THE ACT

- (i) The act results in recognition of forest rights of forest dwelling scheduled tribes and other traditional forest dwellers over the forest land under their occupation for long and their habitat for self cultivation for their livelihood.
- (ii) They will have access to, use or dispose of, minor forest produce, as defined in the Act.
- (iii) They will not face the threat of eviction or removal from forest land under their occupation, till their rights are decided.
- (iv) They will be entitled to the benefits of various schemes of the Government after vesting of the clear cut title of land in their favour
- (v) The recognition of forest rights in respect of forest land under the individual or common occupation for habitation or self-cultivation of livelihood by a member or members of a forest dwelling scheduled tribe or other traditional forest dwellers shall, however, be restricted to the area under actual occupation and shall in no case exceed an area of 4 hectares.
- (vi) The recognition and vesting of forest rights in the forest dwelling scheduled tribes and other traditional forest dwellers also includes the responsibility of protection, conservation and regeneration of wild life, forest and biodiversity.
- (vii) The Act envisages registration of the title of the forest land jointly in the name of both the spouses, where married, and in the case of single person headed households, in the name of the single head. This would also benefit the women dwelling in the forests

6. THE SCHEDULED TRIBES AND OTHER TRADITIONAL FOREST DWELLERS (RECOGNITION OF FOREST RIGHTS) RULES, 2008:

The Ministry of Tribal Affairs has notified the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Rules, 2008 on 1.1.2008 for implementing the provisions of the Act. These rules envisage the initiation of the process of determination of forest rights at the level of Gram Sabha, which will be scrutinized at Sub Divisional Level Committee after which the District Level Committee will approve / award forest rights

7. Wildlife Areas

- (i) This is dealt in detail in Section 4 (2) and section 2 (b) of the Act.

Section 4 (2) - the forest Rights recognized under this Act in critical wildlife habitats of National Parks and Sanctuaries may subsequently be modified or resettled. This clearly implies that the rights of eligible beneficiaries should be recorded first without any exception or compromise.

Section 2 (b) - 'critical wildlife habitat' means such areas of National Parks and Sanctuaries where it has been specifically and clearly established, case by case, on the basis of scientific and objective criteria, that such areas are required to be kept as inviolate for the purposes of wildlife conservation as may be determined and notified by the Central Government in the Ministry of Environment and Forests after open process of consultation by an Expert Committee, which includes experts from the locally appointed by that Government wherein a representative of the Ministry of Tribal Affairs shall also be included, in determining such areas according to the procedural requirements arising from sub-section (1) and (2) of section 4.

- (ii) The above Sections make it clear that the Forest Rights in National Parks and Sanctuaries have to be recognized as per the Act and their relocation, if required will be decided later in critical Wildlife habitats.

8. Occupation of Forest Lands - Cut off date

As per Section 4 (3) of the Act - The recognition and vesting of Forest Rights under this Act shall be subject to the condition that the STs or OTFDs had occupied Forest land before the 13th Day of December 2005.

9. Scheduled Tribes in Andhra Pradesh

Section 4(1) (a) of the Act says -

4 (1) "Notwithstanding anything contained in any other law for the time being in force, and subject to the provisions of this Act, the Central Government hereby recognizes and vests forest rights in -

(a) 'the forest dwelling Scheduled Tribes in States or areas in States where they are declared as Scheduled Tribes in respect of all forest rights mentioned in section 3".

This provision makes it clear that GOI have already recognized the rights of Scheduled Tribes & other Traditional Forest Dwellers in forests and what is left to be done is recording of the same & issuance of title deeds.

10. Identification of the Habitations, Villages, Having Forest Interface:

- a. Each District Level Committee should arrange for identification of habitations, villages, having forest interface and report the same to the Director of Tribal Welfare for placing before the State Level Monitoring Committee. Interface village means, a village where there is forest resource/land under enjoyment/ encroachment by the tribals for their bonafide livelihood needs and using the same for their livelihood as on 13/12/2005 i.e. 13/012/2005 as a cut off date.
- b. Preparation works need to be taken:- Forest Department to provide forest block maps to Divisional informatics and Resource Centre so that the Forest Rights Committees, mandal machinery, Sub Division Level Committees, District Level Committees will be provided a copy each. These maps will be mounted on suitable substratum to make them durable. Necessary expenditure will be borne out of the budget released to the district. Similarly village maps for the surveyed villages may be supplied by the Tahsildhars to all the committees. In case of unsurveyed villages enjoyments may be got mapped on the Forest Block maps suitably by engaging bare foot surveyors or outsourced as is being done by the Forest Department in preparation of maps for VSS.

11. The Chief activities under the Act:

- a. Issue of notification by the Gram Sabha inviting claims in Form A in Annexure I to this GO from the individual claimants and in Form B in Annexure - I from community rights claimants.
- b. Verification of claims
- c. Mapping of occupations/ enjoyments and framing of resolutions
- d. Review of Gram Sabha resolutions and preparation of record of rights by Sub Division Level Committees.
- e. Review of the records submitted by the Sub Division Level Committees and vesting of rights by the District Level Committees.

Grama Sabha: Section 2 (g) - Means village Assembly in which all Adult Members are its members.

12. Functions of Gram Sabha:

- (i) Rule 4 (1) - The gram Sabha shall -
 - a. initiate the process of determining the nature and extent of forest rights, receive and hear the claims relating thereto;

- b. prepare a list of claimants of forests rights and maintain a register containing such details of claimants and their claims as the Central Government may by order determine;
- c. pass a resolution on claims on forest rights after giving reasonable opportunity to interested persons and authorities concerned and forward the same to the Sub-Divisional Level Committee;
- d. consider resettlement packages under clause (e) of sub section (2) of section 4 of the Act and pass appropriate resolutions; and
- e. constitute Committees for the protection of wildlife, forest and biodiversity, from amongst its members, in order to carry out the provisions of section 5 of the Act.

(ii) Couvening Gram Sabha: Rule 3(1) -

- a. Gram Panchayat has to convene 'Gram Sabha' informing all residents by beat of Tom Tom in all the habitations and also affixing notices with date and time and venue of Gram Sabha at three conspicuous places at each habitation in Telugu. The Sarpanch or in his absence, the upa-sarpanch will be the Chair person of Grama Sabha. The Secretary of Panchayat will also be Secretary of Gram Sabha. The **Quorum** of Grama Sabha shall be not less than two thirds of its total members.
- b. Care may be taken by Gram Sabha while choosing the president and secretary of the Forest Rights Committees to see that these (2) persons are not only good leaders but also sufficiently literate for taking up, social mobilization, documentation and other record keeping work for the Forest Rights Committees. The expenditure will be defrayed from the budget allocations of the districts.

(iii) **FORMATION OF FOREST RIGHTS COMMITTEE: RULE 3(1)**

- a. The Grama Sabha in its first meeting, shall elect from among its members, a committee by name "**Forest Rights Committee**" (FRC) consisting of not less than ten, but not exceeding fifteen persons wherein at least one third members shall be STs, and one third shall be 'women'.
 - (i) While forming FRC, care shall be taken to see that every habitation shall be represented as far as possible.
 - (ii) Literates may be given preference in FRC to the extent possible.
 - (iii) The services of Social mobilizers / village elders / community heads may be utilized in deliberations of FRC.
 - (iv) In PTG- non PTG mixed habitation, a member of PTG may be chosen as the Chairperson of FRC. In scheduled areas all the members of FRC shall be STs only.
- b. The FRC decides on a Chair-person and a Secretary from among themselves (giving preference to literate persons) and intimates it to the Sub Divisional Level Committee. The F.R.C after giving intimation to the claimants and officers of Forest, Revenue etc. visits the spot, prepares a rough sketch, and a note and submits to the Grama Sabha.
- c. The Grama Sabha shall initiate the process of determining the nature and extent of Forest Rights. Prepare a list of claimants and maintain register and pass the resolutions on claims of Forest Rights after giving reasonable opportunity to interested persons including Forest officials such as FBO/FSO concerned. Then the Gram Sabha shall forward the same to the Sub Divisional Level Committee.

(iv) Verification of Claims :

- a. The Forest Rights Committee shall make a copy of all claims along with evidences received to the Forest Beat Officers / Forest Section Officers etc., for their information and necessary further action. The Beat Officer and Section Officer upon receipt of information and nature and extent of the claim shall submit their view to the forest rights committees
 - b. The Forest Rights Committee formed by Gram Sabhas should Intimate the Forest Department personnel as nominated by the Department village or mandal-wise about the proposed programme of verification of nature and extent of claim. To enable this to happen on ground, the schedule of verification by FRC to be fixed in advance and without any overlap from one village to the other to facilitate the Forest Sub ordinate staff to accompany the FRC and claimant and present during verification. This has to be coordinated at Divisional Level Committees and Sub Divisional Level Committees.
- (v) Mandal Level Nodal Team :** This consists of Tahsildhar, MPDO and Forest Range Officer. They have to train the Forest Rights Committees, help in conducting survey of encroached areas etc. The concerned Range Officer should be properly trained and oriented to undertake these tasks.

13. SOCIAL MOBILISERS:

- (i) Since the FRC, has a considerable task of receiving claims for forest rights and processing them, it is decided to provide them with secretarial assistance in the form of a "Social Mobilizer" for each FRC towards the smooth functioning of the FRC in carrying out the statutory processes. The Social Mobilizer shall be selected by Gram Sabha only. The Social Mobilizer may preferably be an Inter Pass and local scheduled tribe candidate and should be a resident of that Gram Panchayat only. His services shall be utilized for a period of 3 months from the date of notification issued by the Gram Sabha, to accept the claims, assist in their verification, preparation of Maps and ultimately passage of resolutions recommending entrustment of rights.
- (ii) The responsibility of Social Mobilizer shall be as follows:
 - a) He shall be responsible for doing the Participatory Rural Appraisal (PRA) exercise in each habitation of the Panchayat with the local community and the FRC members.
 - b) He shall assist the FRC for preparation of Resource Map depicting individual & community forest resources on a chart with proper index & references and present it to the FRC. A Model Resource Map has to be supplied by the respective SDLC / MPDO to each FRC/Social Mobilizer for their guidance.
 - c) He shall issue receipts for the claims on behalf of the FRC that have been received by the FRC and make suitable entries in the Claim Form Entry Register (**Annexure - IV**).
 - d) He shall facilitate the community in filling up of individual claims along with the two evidences as required.
 - e) He shall record the minutes of meetings conducted by the FRC in different habitations and the resolutions passed in such meetings of FRC.
 - f) He shall assist during the claim form verification, physical inspection of the extent of occupation or enjoyment as per claim and preparing a map delineating the area of each claim indicating recognizable landmarks.
 - g) The Social Mobilizer shall be paid, a monthly honorarium of Rs.1500/- for three months from the date of notification by the Gram Sabha regarding initiation of Claim Process.

(iii) Thus the Social Mobilizer is envisaged to act with the interest of the community and facilitate them in the process of recognition of their forest rights. He should be provided continuous support and assistance in obtaining all required & available records by the field level functionaries of revenue department (VROs, Revenue Inspectors, Surveyors & Tahsildars) and also the forest department (Beat Officers, Section Officers, Dy. Forest Range Officers). The Social Mobilizer is expected to act on the behalf of community & play a pivotal role so that all the eligible claimants are included in the process and get recognition of their forest rights as envisaged in the Act.

(iv) **CAPACITY BUILDING OF SOCIAL MOBILIZERS :**

- a) The training of Social Mobilisers and orientation to FRCs in doing the PRA exercise, formation of Village Resource Maps habitation wise roughly depicting the individual & Community Forest Rights, Receipt of claims, recording of evidence etc., should be conducted as per the schedule envisaged in the District Road Map for all the Grampanchayats where Forest Rights Committees have been formed.
- b) The material required for smooth functioning of FRCs should be provided to the Social Mobilisers in form of
 - (i) Sufficient number of claim forms
 - (ii) Claim Form Entry Register
 - (iii) Minutes & Resolution Register
 - (iv) Model Resource map
 - (v) Village Maps & Forest Maps as per requirement
 - (vi) Publicity material
- c) The Forest Rights Committee and Social Mobilisers shall complete one round of habitation wise visits to prepare the Resource Maps after doing PRA exercise, receive the complete claim forms along with evidences, issue the receipts for claim forms etc

14. CREATION OF CORE SURVEY TEAM AT MANDAL LEVEL:-

Survey teams may be constituted with (2) surveyors from I.K.P (2) local tribal youth preferably with ITI qualification selected by the Collector may form the Mandal Level Core Survey Team, such Mandal level survey team shall function under the leadership of Mandal Surveyor. They shall take up occupancy / enjoyment survey in all the habitations of the mandal by using appropriate techniques. Alternatively the occupation / enjoyment survey work may be outsourced at district level as is being done by Forest Department.

15. HAND HELD GPS INSTRUMENTS :

- a. It has been decided to use Handheld GPS devices with required software support for doing the survey exercise, delineating area for claim and preparation of map for each claim along with a combined occupation map for the habitation/ village. The use of GPS devices for survey shall also involve ground truthing & verification and the map thus generated shall also be Geo-referenced. The said map can easily be superimposed on digitized forest maps (Survey of India Beat/Section Maps).
- b. Suitable Handheld GPS device should be procured and utilized for conducting the survey. One Handheld GPS should be provided for each Core Survey Team. A benchmarking on the basis of 100 acres/ day / team i.e. 2000 acres/ month per GPS device be considered. The number of Core Survey Teams per Mandal(s) should be decided taking into account the approximate area in which the rights have to be recognized and vested.

- c. Core Survey Teams @ one for 2000 Acres shall be placed at the disposal of Tahsildars. In case fresh candidates are recruited, they shall be imparted a classroom training for one month and field training for two months. If ITI candidates are taken, they can be straightaway be utilized in the work. The individual claim survey process should be completed in these two months and latest by end of June'08. The Divisional Officers should instruct the Tahsildars to decide the programme of the Core Survey Team, Gram Panchayat & Habitation- wise. They should be instructed to complete the programme within the time frame specified. The Core Survey Team should function fully under the control of Mandal level Nodal team and assisted by the VROs & Forest department staff. A responsible forest department officer should also be associated with each Core Survey Team. The Core Survey Team should be provided with all hardware support such as batteries for GPS device, stationary etc and similarly the MAP-Source software for generation of maps & printing of such maps shall be provided.
- d. The basic village-wise enjoyment records shall be prepared at the Mandal Level only using the Map Source Software accompanying the GPS device.

16. CONSTITUTION OF SUB DIVISION LEVEL COMMITTEES; Sec.6(3) of Act (RULE 5) :-

- a. Government have issued GO Ms.No.8 Social Welfare (LTR.1) Dept, dt.23/01/2008, constituting Sub Division Level Committees. Zilla Parishads have to nominate (3) members from MPPs to each of the Sub Division Level Committee in the district as per the specifications provided in the Act. Preference should be given to the forest dwelling tribes, particularly Primitive Tribal Groups. One of the members shall be a woman. The State Level Monitoring Committee decided to clarify the position that the woman member could also be a Scheduled Tribe person especially when STs are preponderant in a given area.

b. Functions of Sub Division Level Committee:

The Sub Divisional Level Committee (SDLC) shall -

- (i) Provide information to each Gram Sabha about their duties and duties of holder of forest rights and others towards protection of wildlife, forest and biodiversity with reference to critical flora and fauna which need to be conserved and protected;
- (ii) Provide forest and revenue maps and electoral rolls to the Gram Sabha or the Forest Rights Committee;
- (iii) Collate all the resolutions of the concerned Gram Sabhas.
- (iv) Consolidate maps and details provided by the Gram Sabhas.,
- (v) Examine the resolutions and the maps of the Gram Sabhas to ascertain the veracity of the claims;
- (vi) Hear and adjudicate disputes between Gram Sabhas on the nature and extent of any forest rights;
- (vii) Hear petitions from persons, including State agencies, aggrieved by the resolutions of the Gram Sabhas.
- (viii) Co-ordinate with other Sub-Divisional Level Committees for inter sub-divisional claims;
- (ix) Prepare block or tehsil-wise draft record of proposed forest rights after reconciliation of government records;
- (x) Forward the claims with the draft record of proposed forest rights through the Sub-Divisional Officer to the District Level Committee for final decision.
- (xi) Raise awareness among forest dwellers about the objectives and procedures laid down under the Act and in the rules;

- (xii) Ensure easy and free availability of proforma of claims to the claimants as provided in Annexure - I (Forms A & B) to this order;
- (xiii) Ensure that the Gram Sabha meetings are conducted in free, open and fair manner with requisite quorum.
- c. The Sub-Divisional Level Committee on receipt of resolutions and claims from the Grama Sabha / FRC, examines them, and prepares a Record of Rights as per proforma given in Annexure - V to this order and forward to DLC.
- d. The SDLC shall furnish any information as may be requested by the FRC and Grama Sabha.

17. CONSTITUTION OF DISTRICT LEVEL COMMITTEES: Sec.6(5) of Act (RULE No.7)

- a. District Level Committees were constituted vide GO Ms.No.8 Social Welfare (LTR.1) Dept, dt.23-01-2008, Zilla Parishad need to nominate (3) ZPTCs. Again preference to be given to the forest dwelling tribes, particularly Primitive Tribal Groups, Similar to Sub Division Level Committee, one member should be woman.
- b. **Functions of District Level Committee:**
The District Level Committee shall -
 - (i) ensure that the requisite information under clause (b) of rule 6 has been provided to Gram Sabha or Forest Rights Committee;
 - (ii) examine whether all claims, especially those of primitive tribal groups, pastoralists and nomadic tribes, have been addressed keeping in mind the objectives of the Act.
 - (iii) consider and finally approve the claims and record of forest rights prepared by the Sub-Divisional Level Committee.
 - (iv) hear petitions from persons aggrieved by the orders of the Sub-Divisional Level Committee;
 - (v) co-ordinate with other districts regarding inter-district claims;
 - (vi) issue directions for incorporation of the forest rights in the relevant government records including record of rights.
 - (vii) Ensure publication of the record of forest rights as may be finalized; and
 - (viii) Ensure that a certified copy of the record of forest rights and title under the Act, as specified in Annexures II & III to these rules, is provided to the concerned claimant and the Grama Sabha respectively.
- c. The DLC, shall examine records of Forest Rights, prepared and sent by the SDLC, and approves the same.
- d. The DLC extends necessary co-operation and gives any information / authenticated documents as required by the Grama Sabha and FRCs.

18. CONSTITUTION OF STATE LEVEL MONITORING COMMITTEE: Sec.6(7) Act :-

- a. State Level Monitoring Committee was constituted vide G.O.Ms.No.4, S.W. (LTR.1) Dept., dt. 21/01/2008 with the following members

(i) Chief Secretary (ii) Special Chief Secretary, Panchayat Raj (iii) Special Chief Secretary, EFS&T Department (iv) Principal Secretary, Revenue Department (v) Secretary, (Tribal Welfare)	- Chairperson; - Member; - Member - Member - Member;
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- (vi) Principal Chief Conservator of Forests, Hyd. - Member;
- (vii) Three Scheduled Tribes member of the Tribes Advisory Council, to be nominated by the Chairman, Tribes Advisory Council, and Minister (T.W. & RIAD)
- (viii) Commissioner, Tribal Welfare/
Director of Tribal Welfare -Member Secretary

b. Functions of the State Level Monitoring Committee:

The State Level Monitoring Committee shall -

- (a) devise criteria and indicators for monitoring the process of recognition and vesting of forest rights;
- (b) monitor the process of recognition, verification and vesting of forest rights in the State;
- (c) furnish a six monthly report on the process of recognition, verification and vesting of forest rights and submit to the nodal agency such returns and reports as may be called for by the nodal agency;
- (d) on receipt of a notice as mentioned in section 8 of the Act, take appropriate actions against the concerned authorities under the Act;
- (e) monitor resettlement under sub-section(2) of section 4 of the Act.

19. Appeals:

Any person aggrieved by the resolution of the Gram Sabha may file an appeal before the Sub Division Level Committee within 60 days from the date of passing of the resolution by the Gram Sabha. The Sub Division Level Committee hears the petitioner, verify the records and solves the grievances. So, also, if any grievance arises out of the decisions of SDLC, appeals may be filed before the District Level Committee, again with in a period of 60 days. The District Level Committee shall hear the petitioner, verify the records and sort out the grievances.

20. PUBLICITY ON THE PROVISIONS OF THE ACT AND RULES:

Wide publicity regarding the provisions of ROFR Act, 2006 should be given in all the habitations by local authorities viz MRO/MPDO/Sub DFO/FRO/VAO/Panchayat Secretary and other village level functionaries by way of pamphlets, hand bills, posters, hoarding's. Audiovisual films slides in theaters and Kalajathas and awareness meetings at G.P. / habitation level. A documentary film may be prepared by DTW showing salient features of the ROFR Act, 2006 may be exhibited in the Cinema Halls located in and around tribal areas. Kalajathas have to be organized at shandies. The district Administration to identify the District Resource Persons to give training to MRPS and FRCs about the Act and Rules. NGOs also to be involved in the process.

21. DIVISIONAL INFORMATICS & RESOURCE CENTER:

- a. Should be set up at each Revenue Division Head Quarter to function directly under the SDLC concerned. All the Forest & Revenue Village Maps should be supplied to the Divisional Informatics Center and the staff manning the Informatics & Resource Center should be adequately trained in use of GPS & the software.
- b. The Divisional Resource Centre should superimpose the maps obtained from each survey team on revenue & forest maps and maintain a record of such maps for use of the FRCs, Gram Sabhas, SDLCs and DLC.

22. RECORD & RESOLUTION BOOK:

- a. Forest Rights Committees should maintain separate registers for claims, enquiry proceedings and minutes. Acknowledgements be issued to all the persons/bodies filing claims under the Act.
- b. "Gram Sabha" should maintain resolution books, claim registers and also a dispatch register recording the list of resolutions and claims forwarded to Sub Division Level Committees
- c. The Sub Division Level Committee should maintain minutes book, a draft record of Forest Rights Register, details of appeals, inspections, Dispatch Register etc.
- d. The District level Committees should maintain minutes book, register of Record of Forest Rights vested village and Mandal wise, registers indicating data pertaining to appeals received and disposed, Stock files consisting of instructions received, instructions issued to sub ordinate authorities.
- e. The DLC should communicate the Record of Forest Rights registers to SDLC, Tahsildars, FROs and Gram Panchayats concerned
- f. Both Tahsildhars and Forest Range Officers should maintain record of Forest Rights habitation-wise as approved by the DLCs.

23. INVOLVEMENT OF NGOs:

NGOs especially those working in forest areas may be involved in all activities including training, awareness, implementation and monitoring of programmes.

24. LTR VIS-A-VIS FOREST ACT:

The Land Transfer Regulation shall have overriding effect on any other law in the Scheduled areas. The ROFR Act, 2006 is to be implemented with in the limits of LTR provisions within Scheduled Areas.

25. AREAS OF VANA SAMRAKSHANA SAMITHI:

Members of VSS may claim individual or community rights with necessary evidence, it could be verified and if found genuine such rights would also be vested on the eligible claimants.

26. TRAINING TO DISTRICT RESOURCE PERSONS, MANDAL RESOURCE PERSONS, FOREST RIGHTS COMMITTEE, SOCIAL MOBILISER, MANDAL CORE SURVEY TEAM:-

- a. Training to be imparted to all levels involved in implementation of Forest Rights Committee.
- b. Forest Rights Committees cover 10-15 members and should be trained by the Mandal Resource Persons and the Mandal level nodal team (Tahsildar, MPDO & Forest Range Officer) may make arrangements for imparting the training by using Mandal Resource Persons. Sub Division Level Committees to formulate strategies for implementation of the Act in all habitations, villages, Gram Panchayats falling in their area.

27. Raising Plantations in the encroached areas : Suitable Project Reports may be prepared for taking up environmentally sustainable plantation programmes and soil conservation works by dovetailing schemes like NREGS, NABARD etc Hon'ble Chief Minister desired that such plantation work should commence with next monsoon itself.

28. Road Map for implementation of the Act & Rules :

- a. A Detailed road map was prepared by the Secretary, Tribal Welfare Department as per the instructions of the Hon'ble Chief Minister (Annexure - VI). This road

- map has to be followed. If any problems are there, they may be resolved in SDLCs or DLCs and finally at State Level Monitoring Committee.
- b. The Gram Sabha is to be assisted by a Forest Rights Committee in the discharge of its functions.
 - c. The claimants under the Act have to submit their claims to the Gram Sabha in the prescribed form.
29. The authorities implementing the Act and Rules including District Collectors, the Project Officers of ITDAs and the officials of Forest, Revenue and Tribal Welfare departments are requested to follow the above operational guidelines scrupulously.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

V. NAGI REDDY,
Prl. Secretary to Govt. (TW)

To,

All the District Collectors
All the Project Officers of ITDAs
Chief Commissioner, Land Administration
Prl. Chief Conservator of Forests, Hyderabad
The Commissioner, Panchayat Raj, Hyderabad
The Director, Tribal Welfare, AP , Hyderabad

Copy to:-

The EFS & T Department
The Revenue Department
The Panchayat Raj & Rural Development Department
The Prl. Secretary to Chief Minister
The PS to Chief Secretary
The PS to Prl. Secretary, TW
The PS to Minister, TW & RIAD / Minister, PR / Minister, Revenue / Minister, Forest SF/SC

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Government of India
Ministry of Tribal Affairs

The Scheduled Tribes and Other Traditional Forest Dwellers
(Recognition of Forest Rights) Rules, 2007
ANNEXURE - I

(See rule 6 (1))

FORM - A

CLAIM FORM FOR RIGHTS TO FOREST LAND

[see rule 11 (1) (a)]

1.	Name of the claimant(s)	
2.	Name of the spouse	
3.	Name of father/mother	
4.	Address:	
5.	Village:	
6.	Gram Panchayat:	
7.	Tehsil/Taluka	
8.	District:	
9.	(a) Scheduled Tribe: Yes/No (Attach authenticated copy of Certificate) (b) Other Traditional Forest Dweller: Yes/No If a spouse is a Scheduled Tribe (attach authenticated copy of certificate)	
10.	Name of other members in the family with age: (including children and adult dependents)	

Nature of claim on land:	
1.	Extent of forest land occupied a. for habitation b. for self-cultivation, if any: (see section 3 (1) (a) of the Act)
2.	Disputed lands if any: (see section 3 (1) (f) of the Act)
3.	Pattas/leases/grants, if any: (See Sections 3 (1) (g) of the Act)
4.	Land for in situ rehabilitation or alternative land, if any: (see section 3 (1)(m) of the Act)
5.	Land from where displaced without land compensation: (See Section 4 (8) of the Act)
6.	Extent of land in forest villages, if any: (See Section 3 (1) (h) of the Act)
7.	Any other traditional right, if any: (See Section 3 (1) (i) of the Act)
8.	Evidence in support: (See Rule 13)
9.	Any other information:

Signature/Thumb Impression of the Claimant(s):

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Government of India
Ministry of Tribal Affairs

The Scheduled Tribes and Other Traditional Forest Dwellers
(Recognition of Forest Rights) Rules, 2007

ANNEXURE - I

FORM - B

CLAIM FORM FOR COMMUNITY RIGHTS

[See rule 11 (1) (a) and (4)]

1.	Name of the claimant(s) A. FDST community: Yes/No B. OTFD community: Yes/No	
2.	Village:	
3.	Gram Panchayat:	
4.	Tehsil / Taluka	
5.	District:	

Nature of community rights enjoyed:	
1.	Community rights such as nistar, if any : (see section 3 (1) (b) of the Act)
2.	Rights over minor forest produce, if any: (see section 3 (1) (c) of the Act)
3.	Community rights a. uses or entitlements (fish, water bodies) if any, b. Grazing, if any c. Traditional resource access for nomadic and pastoralist, if any: (see Section 3 (1) (g) of the Act)
4.	Community tenures of habitat and habitation for PTGs and pre-agricultural communities, if any: (see section 3 (1)(e) of the Act)
5.	Right to access biodiversity, intellectual property and traditional knowledge, if any: (See Section 3 (1) (k) of the Act)
6.	Other traditional right, if any: (See Section 3 (1) (i) of the Act)
7.	Evidence in support: (See Rule 13)
8.	Any other information:

Signature/Thumb Impression of the Claimant(s):

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Government of India
Ministry of Tribal Affairs

The Scheduled Tribes and Other Traditional Forest Dwellers
(Recognition of Forest Rights) Rules, 2007

ANNEXURE - II

[See rule 8 (h)]

TITLE FOR FOREST LAND UNDER OCCUPATION

1.	Name (s) of holder (s) of forest rights (including spouse);	
2.	Name of father/mother	
3.	Name of dependents:	
4.	Address:	
5.	Village/ Gram Sabha	
6.	Gram Panchayat:	
7.	Tehsil/Taluka	
8.	District:	
9.	Whether Scheduled Tribe or Other Traditional Forest Dweller	
10.	Area	
11.	Description of boundaries by prominent landmarks including khasra/compartment No.:	

This title is heritable, but not alienable or transferable under sub section (4) of section 4 of the Act.

We, the undersigned, hereby, for and on behalf of the Government of (Name of the State).....affix our signatures to confirm the above forest right.

Divisional Forest Officer/Deputy
Conservator of Forests

District Tribal Welfare Officer

District Collector/Deputy Commissioner

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Government of India
Ministry of Tribal Affairs

The Scheduled Tribes and Other Traditional Forest Dwellers
(Recognition of Forest Rights) Rules, 2007

ANNEXURE - III

[See rule 8 (h)]

TITLE TO COMMUNITY FOREST RIGHTS

1.	Name (s) of holder (s) of community forest right:	
2.	Village/ Gram Sabha	
3.	Gram Panchayat:	
4.	Tehsil/Taluka	
5.	District:	
6.	Scheduled Tribe/Other Traditional Forest Dweller	
7.	Nature of community rights:	
8.	Conditions if any:	
9.	Description of boundaries including customary boundary and/ or by prominent landmarks including khasra/ compartment No.:	

Name (s) of the holder (s) of community forest right:

- 1.....
2.....
3.....

We, the undersigned, hereby, for and on behalf of the Government of (Name of the State).....affix our signatures to confirm the forest right as mentioned in the Title to the above mentioned holders of community forest rights.

Divisional Forest Officer/Deputy
Conservator of Forests

District Tribal Welfare Officer

District Collector/Deputy Commissioner

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Government of India
Ministry of Tribal Affairs

The Scheduled Tribes and Other Traditional Forest Dwellers
(Recognition of Forest Rights) Rules, 2007

ANNEXURE - IV

(A) REGISTER OF FOREST RIGHTS CLAIMS

Name of the State

REVENUE DIVISION

Name of District:

Name of Taluka:

Name of Panchayat:

Name of Village:

Name of Habitation/ Hamlet:

FOREST DIVISION

Name of Forest Division

Name of Forest Range

Name of Forest Section:

Name of Forest Beat

Name of Village.....

contd...

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ANNEXURE - IV

(B) FORMAT OF REGISTER OF FOREST RIGHTS CLAIMS

Sl.No. of Claim	Name of Claimant(s)	Sex	Age	Relationship with claimant at Sl.No.1	Father's Name	Mother's Name	Status (ST/Others)	Marital Status
1	2	3	4	5	6	7	8	9

Claim		Forest					
Nature of claim (Self cultivation/habitation/MFP/Grazing /Fishing/Any other Traditional Right Customarily enjoyed by the Forest Dwelling Scheduled Tribes or other Traditional Forest Dwellers.		Land area claimed (in hectares)	Local identification marks of the enjoyment	Forest Block	Compartment	Beat	Details of evidences in support of claim
10	11	12	13	14	15	16	
							1. 2. 3.

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A N N E X U R E - V

**REGISTER OF FOREST RIGHTS
PART 'A'**

DISTRICT

FOREST DIVISION

Tahsil / Mandal

Forest Range

Panchayat

Forest Section

Revenue Village

Forest Beat

Habitation

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PART 'B'

S.NO	Name(s) of the Claimant(s)	Name of the Father / Husband	Social Status ST/OTFD #	Nature of the Rights self cultivation, habitation, NTFP/Grazing / Fishing / any other traditional right customarily enjoyed	Extent of the area claimed (Acres)	Latitude and longitude readings	Local identification marks of the enjoyment	Details of Forest block, section, compartment & beat	Decision of District level Committee	Number & date of the Resolution of DLC
1	2	3	4	5	6	7	8	9	10	11

ST - Scheduled Tribe, OTFD - Other Traditional Forest Dwellers

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Annexure - VI

Road map for the implementation of Scheduled Tribes & Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006

Sl. No.	Event	Authority responsible for the event	Date of Commencement	Cut off Date for Completion
1	Notification of the Act.	Govt. of India		31-12-2007
2	Notification of Rules	Govt. of India.		01-01-2008
3	Release of Telugu version of the act.	Director, TW		20-01-2008
4	Constitution of State Level Monitoring Committee.	State Govt.		21-01-2008
5	C.M's. first review meeting.			22-01-2008
6	First meeting of the State Level Monitoring Committee (CS)	Director, TW & Convener		29-01-2008
7	C.M's second Review Meeting			31-01-2008.
8	Video Conference with Dist. Collectors and Dist. Officials for awareness building	Director, TW		07-02-2008
9	Release of Telugu version of rules	Director, TCR & TI		07-02-2008
10	Release of publicity material	Director, TW		07-02-2008
11	Submission of nominations of Zilla Parishad & mandal Parishad members for inclusion in the District Level & Sub Division level Committees	District Collector & CEO, Zilla Parishad	Immediate	10-02-2008
12	Identification of habitations, villages and Gram Panchayats having forest interface	District Collectors	Immediate	10-02-2008
13	Instructions to all the village and mandal level functionaries to cooperate with Forest Rights Committees (FRCs).	Revenue Deptt EFS&T Deptt. Tribal Welfare Dept P.R.Deptt. R.D. Dept.	Immediate	11-02-2008
14	Constitution of District Level & Sub Division Level Committees	Govt. - TW Dept.	Immediate	12-02-2008
15	Two Day Workshop with Stake holders at State level, District level and NGO and training of District resource persons	Director, TW	Immediate	16-02-2008 & 17-02-2008
16	Conducting of District level and Sub-Divisional Committee meetings.	District Collectors & Sub Collectors /RDOs	Immediate	20-02-2008

Sl. No.	Event	Authority responsible for the event	Date of Commencement	Cut off Date for Completion
17	Meeting of Gram Sabhas, formation of Forest Rights Committees, invitation of claims.	Dist. Collectors / MPDOs / Tahsildars	Immediate	01-03-2008
18	Positioning of secretarial assistance and barefoot surveyors at the disposal of F.R.C.	Government	Immediate	29-02-2008
19	Training of Mandal Resource persons	District Collectors	17-02-2008	29-02-2008
20	Procurement and supply of digitized forest block maps showing occupations / encroachments to Collectors, FRCs & Gram sabhas	PrI. CCF	Immediate	29-02-2008
21	Procurement and supply of Survey of India maps, village maps (including those of unsurveyed villages) to FRCs & Gram sabhas, Sub divisional & District committees	District Collectors	Immediate	29-02-2008
22	Receiving of claims	Gram Sabha / Forest Rights Committee	Immediate	31-05-2008
23	Orientation programme to the Forest Rights Committees	District Collectors	Immediate	15-03-2008
24	Training to mandal and village level staff including social mobilisers, bare foot surveyors	District Collectors	29-02-2008	15-03-2008
25	Printing and supply claim forms, Stationery for recording statements of witnesses, field inspections, resolutions book etc.	Dir, TW	Immediate	01-03-2008
26	Submission of Resolutions by Gram Sabha to the Sub-Divisional Level Committee.	Gram Sabha / Forest Rights Committee	15-03-2008	15-06-2008
27	Preparation of maps by super posing village maps / rough village maps with occupations and Survey of India maps over forest block maps.	Tahsildars RFOs Mandal Surveyors	Immediate	07-06-2008
28	Submission of proposals for vesting forest rights by Sub-Divisional Level Committee to the District Level Committee.	Sub- Collector /RDO	16-05-2008	16-08-2008
29	Finalization of forest rights and grant of title deed by the District level Committee.	District Collector	20-05-2008	30-10-2008

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